



***Chemung County Sewer District No.1
Chemung County Elmira Sewer District***

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November 8, 2010

**RE: Comments on the Draft Chesapeake Bay TMDL
Docket ID No. EPA-R03-OW-2010-0736**

To Whom It May Concern:

I am writing to document my concerns and issues with the draft Chesapeake Bay Total Maximum Daily Load (TMDL) allocations that have been recently issued by the US Environmental Protection Agency (EPA). The Bay and its tributaries are indeed national treasures that have been negatively impacted by many years of environmental stresses and misuse and are beyond a reasonable doubt in need of significant attention. However I strongly feel that the draft TMDL allocations as presented by the EPA will not achieve the goal of cleaning up the Bay because they place unattainable pollution reductions on the New York and other headwater states. The listed TMDL allocation limits would require an extremely high financial expenditure that would jeopardize the economic well being of many of the headwater communities and may therefore not be achievable.

New York has been at the forefront of environmental issues, including water quality for many years and the New York State Department of Environmental Conservation has been an extremely active and forward-looking agency since the environmental awareness issues began in the early 1970's. New York began investing heavily early on in its' water and wastewater infrastructure systems throughout the state using money that came from federal, state and local tax dollars. The results of these investments is what we benefit from today and can be noted by the quality of the water that exists throughout New York, some of which makes its way to the Bay. In fact it is known that if the water quality of the entire Bay watershed had the same phosphorous, nitrogen and sediment concentrations that New York's portion of the watershed currently has, the Bay would not be impaired. New York should be recognized and credited for the investment it has made over the last 40 years in our water and not be punished with such a low allocation as appears in the draft TMDL. In essence, New Yorkers would be paying for another 30 years for that which they have already paid for over the past 40 years - clean water.

With regards to the local impacts, there currently exist two special districts that have been established in Chemung County for the purpose of providing public sewer service to the more densely populated areas of the County. Each district has its own staff and budgets and operates on funds that are collected exclusively from those residences in the districts for the sole purpose of collecting and treating their wastewater. There is typically no contribution of federal or state funds that are received or used for such services. As it stands today it would appear that all the funding for nutrient removal for the purpose of addressing the environmental issues of the Chesapeake Bay would need to come from a very limited source.

In 2009 each District entered into an agreement with a licensed engineering firm to perform a nutrient removal study in accordance with the terms and conditions as stated in their respective NPDES permits. The study was to look at identifying possible cost effective ways to reduce nutrients being discharged from each treatment facility. In addition the study was to look at ways to reach Best Available Technology results for nitrogen and phosphorous removal (5.0mg/l N and 0.5mg/l P). Both treatment facilities currently use trickling filters for treatment and perform very well for the removal of BOD and TSS and the facilities have been found to be providing nitrification during most of the year. While trickling filters have proven to be a sound and effective means of providing secondary treatment, they do not, unlike activated sludge systems, allow for much if any process control that would provide for nitrogen or phosphorous removal. Therefore the results of the study indicated that a major upgrade at a cost of \$15M for one facility and \$14M for the other would be required to achieve any nutrient removal. The O&M costs consisting of primarily chemicals and energy was estimated in 2009 dollars to be \$1M/yr and \$0.75M/yr respectively. This would result in an approximate 50% increase to the current operating budgets of the facilities.

In conclusion, first the EPA should at a minimum approve the Watershed Implementation Plan (WIP) submitted by New York State and not impose the federal backstop values for nitrogen and phosphorous. Second, it is felt that the EPA should take into account and consider the monies that have been invested over the years to preserve New York's, and ultimately the Bay's, water quality. And finally, should the EPA choose to proceed and adopt the TMDLs as proposed, recognize that the financial impact to taxpayers and businesses would be crippling and therefore not possible to accomplish or sustain.

Thank you very much for your consideration of this important matter.

Sincerely,

Galen Salisbury
Executive Director
Chemung County Sewer Districts